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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/696,537	10/25/2000	Evelio Perez	02558-062010US	3093	
	7590 10/05/2004		EXAM	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER			CHOI, LING SIU		
EIGHTH FLOOR		ART UNIT	PAPER NUMBER		
SAN FRANCI	SCO, CA 94111-3834		1713		

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Editations of time may be available under the provisions of 3°CFR 1.13(a). In no event, however, may a reply be timely filed  Editation from may be available under the provisions of 3°CFR 1.13(a). In no event, however, may a reply be timely filed  If the seriod for reply specified above is lieus have no convolutions.  If the seriod for reply specified above is lieus have no convolutions.  If the seriod for reply specified above is lieus have no convolutions.  If the seriod for reply specified above is lieus have no convolutions.  If the seriod for reply specified above is lieus have not reply within the seriod reply in the provision of the seriod period for reply will, by statutor, ensure the application is become ABANDONED (35 U.S.C.) 113.  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Island in accordance with the practice under Exparte William (1) and 12 or 12		Application No.	Applicant(s)
Ling-Siu Choi	Office Action Summer	09/696,537	PEREZ ET AL.
- The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  • Catersions of time may be available under the provision of 3°C RF 1.136(a). In o event, however, may a reply be timely filed  • Catersions of time may be available under the provision of 3°C RF 1.136(a). In o event, however, may a reply be timely filed  • Ell be prior for reply appetited above is less than those (30) dates. a reply with the calculary minimum of their) (30) days will be considered timely.  • Ell be prior for reply appetited the visible of the timeling date of the some prior of the communication.  • Patients or reply value and a set or extracted period for reply value, by statute, cause the application to become ABANDONED (50 U.S. C. § 1.13).  • Patients or reply value and a set or extracted period for reply value, by statute, cause the application to become ABANDONED (50 U.S. C. § 1.33).  • Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  • Island and the provided of the communication of the application.  • Ag) Claim(s) 1-12 Israre pending in the application.  • Ag) Claim(s) 1-12 Israre objected to.  • Claim(s) 1-12 Israre objected to.  • Claim(s) 1-12 Israre objected to restriction and/or election requirement.  • Popilication Papers  • O Claim(s) 1-12 Israre objected to by the Examiner.  • Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d).  • The drawing(s) filed on 25 October 2000 Israre: a)⊠ accepted or b □ objected to by the Examiner.  • Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.121(d).  • The drawing(s) filed on 25 October 2000 Israre: a)⊠ accepted or b □ objected to by the Examiner.  • Applicant may	Office Action Summary	Examiner	Art Unit
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION Extensions of time may be available under the provisions of 37 CFR 1.15(s). In no event, however, may a raply be timely filed after SIX (5) MONTH'S from the mailing date of this communication. If the period for may be available under the provisions of 37 CFR 1.15(s), in no event, however, may a raply be timely filed after SIX (5) MONTH'S from the mailing date of this communication. If the period for may be available under the provision of the statutory minimum of bitiny (30) days will be considered brindly. If the period of the provision of the provision of the statutory minimum of bitiny (30) days will be considered brindly. If the period of the period of the period of the statutory minimum of the period of the statutory minimum of the period of the statutory minimum of the statutory minimum of the period of the statutory minimum of the statutory minimum of the period of the statutory minimum of			1713
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<ul> <li>✓ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> <li>Paper No(s)/Mail Date 10/00 &amp; 12/03.</li> <li>Other:</li> </ul>	Notice of Praffsperson's Patent Drawing Design (PTC - 892)	4) Interview Sun	nmary (PTO-413)
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-326 (Rev. 1-04) Office Action Summary Part of Paper No /Mail Date 1	Patent and Trademark Office OL-326 (Rev. 1-04) Office	Action Summery	D-4 CD

Art Unit: 1713

## DETAILED ACTION

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-6, drawn to an apparatus for securing together a plate and spacer assembly, classified in class 204, subclass 619.
  - II. Claims 7-10, drawn to a casting stand, classified in class 204, subclass618.
  - III. Claims 11-12, drawn to an insert for placement in a slab gel mold to form wells, classified in class 204, subclass 613.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I, II, and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions relate to an apparatus for securing together a plate and spacer assembly, a casting stand, and an insert for placement in a slab gel mold to form wells.
- During a telephone conversation with Mr. M. Henry Heines on November 10,
   a provisional election was made with traverse to prosecute the invention of

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Group II, claims 7-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-6 and 11-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

#### Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Atta (US 5,632,877), Sylvester (US 5,112,470), or Hellman (EP 0 339 975 A2).

The present invention relates to a casting stand to hold a rectangular slab gel

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enclosure having a bottom opening and securing the enclosure in a vertical position for casting a gel in the enclosure, the casting stand comprising

Α	a support rack having a floor sized to cover the bottom opening and a vertical
,	wall extending upward from the floor
В	a notched member pivotally mounted to the support rack above the floor
	the notch member having a notch therein to receive an upper edge of the
	enclosure when the enclosure is resting adainst the vertical wall
	the notched member capable of rotation between a clamping position in which
	the enclosure is received within the notch when the bottom opening is pressed
	against the floor, and an open position in which the notch is raised to release
	the enclosure from pressure against the floor and to thereby permit insertion
	and removal of the enclosure from the support rack
	the notched member being spring-loaded to bias the notched member toward
	the clamping position

(summary of claim 7)

Van Atta discloses an apparatus for securing a parallel plate gel enclosure to a frame to form a liquid-retaining chamber for an electrophoresis buffer, the apparatus comprising a gasket between the frame and the gel enclosure; a housing; a pressure plate movably received inside the housing, defining a cavity within the housing to receive the gel enclosure and frame; a pair of cams rotatably mounted to the housing in engagement with the **pressure plate**; and **means for rotating the cams** to urge the pressure plate toward the cavity such that when the gel enclosure, gasket and frame are received in the cavity, the gel enclosure is pressed against the gasket and frame to form a fluid-tight seal (claim 1).

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Sylvester discloses an electrophoresis apparatus comprising a support structure for supporting a gel plate assembly in a generally vertical plane, a pair of upright side members, a support plate lying in a vertical plane and extending between the side members, a lower buffer tank for supporting the gel plate assembly between the side members, and an upper buffer tray having a sealing gasket on one side thereof which is engageable with the gel plate assembly adjacent the upper edge thereof upon movement of the upper tray into engagement with the gel plate assembly, wherein the upper tray is moved into sealing engagement with the gel plate assembly and away therefrom by a cam disposed in cam slots in the sides of the upper tray and operated by a handle disposed externally of the side members and connected to the cam by a shaft passing through the side members and a roller retainer or locking members are slidably received by each of the side members and include a roller having resilient surface for engagement with the surface of the gel plate assembly for retaining the gel plate assembly in position against the support plate thereby minimizing mechanical stress (abstract).

Hellman discloses an electrophoresis device having a support rails for a gel plate assembly and means for clamping the plate assemblies to the support (abstract). Attention is drawn to Figures 5-6, wherein a clamp (part 80) journalled on a post (part 82) has a handle portion (part 83) (col. 4, lines 41-46).

Thus, the present claims are anticipated by the disclosure of Van Atta, Sylvester, or Hellman.

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#### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LING-SUI CHOI PRIMARY EXAMINER

Ling -Siu Choi, Ph.D.

September 27, 2004